

441—28.4(229) Patients' rights for the mentally ill.

28.4(1) The recipient of mental health services shall have the right to every consideration of privacy and individuality.

28.4(2) In order to preserve the patients' self-respect and dignity, to ensure optimum care and treatment, and to guarantee constitutional and civil rights, the patient shall have the following rights:

a. The patient has the right to be evaluated promptly following admission and shall receive emergency service appropriate to the patient's needs.

b. The patient shall have the right to be informed as to treatment plans and hospital rules and regulations applying to individual conduct as a patient.

c. The patient shall be provided with complete and current information concerning patient diagnosis, treatment and progress in terms and language understandable to the patient. When it is not feasible to give this information directly to the patient, the information shall be made available to an immediate family member, guardian or person in charge on behalf of the patient.

28.4(3) An individualized written plan of services shall be developed for each patient. The plan shall be kept current and will be modified when indicated.

28.4(4) The patient shall have the right to receive prompt and adequate treatment of physical and psychological ailments.

28.4(5) The patient has the right not to receive treatment procedures such as surgery, electro-convulsive therapy, or unusual treatment procedures, without the patient's expressed, informed consent or that of next of kin or legally constituted guardian. Any unusual treatment shall be fully explained to the patient in language the patient can reasonably be expected to understand.

28.4(6) The patient shall have the right to the least restrictive conditions necessary to achieve the purposes of treatment. The patient shall be free from restraint or seclusion, except when necessary to prevent harm to the patient, harm to others, or damage to property.

28.4(7) The patient shall have the right to be free from unnecessary or excessive medication or treatment intervention.

28.4(8) Medical records, ward charts and information regarding the evaluation, diagnosis, care and treatment shall be considered private and confidential.

28.4(9) The voluntary mentally ill patient shall be entitled to obtain discharge by submitting a written notice to the superintendent or chief medical officer. The patient may be discharged immediately, on request, except when the superintendent or chief medical officer intends to institute judicial procedures.

28.4(10) An individual posthospitalization plan shall be developed for each patient.

28.4(11) When the patient is assigned to industrial therapy, the specific assignment shall be an integrated part of the treatment plan and the patient shall be appropriately supervised. The patient shall be compensated in accordance with federal and state laws for any work assignment.

28.4(12) The patient shall retain all the rights of full citizenship except as may be specifically limited by the constitution or statute.

28.4(13) The patient, next of kin, or the legal guardian shall have the right to be advised of the provisions of the law pertaining to admissions and discharge.

28.4(14) The patient shall have the right to file application for a writ of habeas corpus and the right to petition the court for release.

28.4(15) The patient has the right to an attorney of choice and to judicial review of the hospitalization. When the patient does not have an attorney, legal counsel shall be obtained through public resources available for legal assistance. The patient has the right to consult privately with counsel at any reasonable time.

28.4(16) The patient has the right to wear personal clothing, and keep and use a reasonable amount of money as appropriate to the treatment program. The hospital shall make provision for the laundering of patient clothing and will provide a reasonable amount of storage space for clothing and personal storage.

28.4(17) When the patient does not have personal clothing or resources to purchase clothing, the institution shall furnish clothing which is clean, neat, and seasonally suitable.

28.4(18) The patient shall be entitled to a safe, sanitary, and humane living environment which affords comfort, promotes dignity, and ensures privacy as is appropriate to the patients' treatment plans.

28.4(19) The patient shall have the right to the opportunity for educational, vocational, rehabilitational, and recreational programs as compatible with the patient's needs.

28.4(20) The patient shall have access to current informational and recreational media, e.g., newspapers, television, or periodicals, in keeping with the patient's treatment program.

28.4(21) The patient has the right to religious worship of the patient's choice in accordance with individual treatment programs. Pastoral counseling shall be available if desired.

28.4(22) The patient shall have the right to unimpeded, private, and uncensored communication with others by mail and telephone and with persons of the patient's choice except when therapeutic or security reasons dictate otherwise. Any limitations or restrictions imposed shall be approved by the superintendent or designee, and the reasons noted shall be made a part of the patient's record.

28.4(23) The patient or representative shall be advised of these rights at the time of hospitalization.

28.4(24) These patient rights shall be publicly posted in each institution.